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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

2:13-CV-652 JCM (CWH)

LARRY SANDERS, et al.,

Plaintiff(s),

v.

ESURANCE INSURANCE
SERVICES, INC., et al.,

Defendant(s).

ORDER

Presently before the court is the report and recommendation of Magistrate Judge Hoffman. (Doc. # 9). Pro se plaintiffs Kamaya Mack, Genora Sanders, and Larry Sanders filed objections to the report and recommendation. (Doc. # 11).

On April 29, 2013, the magistrate judge issued an order denying plaintiffs' motion to proceed in forma pauperis ("IFP") for failure to submit a complete application. (Doc. # 3). The magistrate judge denied the motion to proceed IFP without prejudice and instructed plaintiffs to file a completed application by May 24, 2013. (*Id.*).

Plaintiffs responded by filing a number of irrelevant exhibits, (*see* doc. # 4), and a renewed motion to proceed IFP (doc. # 5). In the renewed motion to proceed IFP, (doc. # 5), plaintiffs indicated that even though they do not wish to pay the necessary filing fees, they believe that they are not required to submit an IFP application for various reasons. The magistrate judge, for the second time, denied the motion without prejudice and gave a deadline date, May 31, 2013, to file a

1 completed application to proceed IFP. (Doc. # 6).

2 The magistrate judge warned that failure to comply with the court's instructions would result
3 in a recommendation that the action be dismissed. Plaintiffs never complied with the magistrate
4 judge's order, and now the magistrate judge recommends dismissal without prejudice. (Doc. # 9).
5 Plaintiffs timely filed objections to the report and recommendation. (Doc. # 11).

6 This court "may accept, reject, or modify, in whole or in part, the findings or
7 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects
8 to a magistrate judge's report and recommendation, then the court is required to "make a de novo
9 determination of those portions of the [report and recommendation] to which objection is made."
10 28 U.S.C. § 636(b)(1).

11 Plaintiffs' objections raise the same arguments they made to the magistrate judge. Plaintiffs
12 do not believe they should have to fill out financial information to proceed IFP. The local rules
13 clearly require that persons seeking to proceed in federal court without paying the required filing fees
14 must submit an application with financial information. Specifically, the relevant local rules states
15 "[t]he application shall be made on the form provided by the Court and shall include a financial
16 affidavit disclosing the applicant's income, assets, expenses and liabilities." LSR 1-1.

17 The court finds that plaintiffs have failed to meet the requirements to proceed IFP. The case
18 shall be dismissed without prejudice.

19 Accordingly,

20 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Magistrate Judge
21 Hoffman's report and recommendation (doc. # 9) be, and the same hereby, is ADOPTED in its
22 entirety.

23 IT IS FURTHER ORDERED that the action shall be dismissed without prejudice. The clerk
24 of the court shall enter judgment and close the case.

25 DATED August 6, 2013.

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28 UNITED STATES DISTRICT JUDGE